



C.M.P.No.28524 of 2023
in C.M.A (SR) No.156879 of 2023

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C.M.A (SR) No.156879 of 2023
(Filing Number)

M.SUNDAR,J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

**(Order of the Court was made
by K.GOVINDARAJAN THILAKAVADI,J.,)**

The captioned Civil Miscellaneous Petition has been filed by the petitioner/appellant with a Condonation of Delay prayer to condone the delay of 9 days in filing the Civil Miscellaneous Appeal against the fair and decretal order dated 18.10.2023 passed in I.D.O.P.No.38 of 2023 on the file of Family Court, Dharmapuri.

2. In the support affidavit, the petitioner/appellant has stated that due to financial constraints, he was unable to file the above appeal in time. The learned counsel for the petitioner/appellant would reiterate the aforesaid averments and would plead to condone the delay as it is neither willful nor wanton but only account of aforementioned bonafide reason.



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3. On the other hand, Mr.V.Chinnasamy, learned counsel appearing for the respondent would submit that the explanation given on the side of the petitioner to condone the delay is not sufficient and therefore, the petition is liable to be dismissed.

4. We heard the learned counsel appearing on either side and perused the records placed before us.

5. Considering facts and circumstances of the case and also the fact that the delay is only 9 days and in the interest of justice, we are inclined to allow the petition.

6. Accordingly this petition is allowed and the delay of 9 days in filing the appeal is condoned.

7. Registry is directed to number the appeal if it is otherwise in order and list the appeal as per chronological order.

(M.S.J.) (K.G.T.J.)

14.03.2024

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